

**LAND SURVEYOR SECTION
MEETING MINUTES
MARCH 2, 2011**

PRESENT: James Rusch, Matthew J. Janiak, Daniel Fedderly and Ruth G. Johnson

STAFF PRESENT: Denise Aviles, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant and other Department staff

GUESTS: Francis Thousand and Lisa Van Horn

CALL TO ORDER

Jim Rusch, Vice-Chair, called the meeting to order 9:36 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

Additions

- Open Session
 - Add Discussion Related to CE
 - Miscellaneous Updates
 - Under Travel – NCEES Central Zone meeting
- Closed Session
 - Credentialing Matters
 - Consultation with Legal Counsel

MOTION: Matthew Janiak moved, seconded by Ruth G. Johnson, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES FROM MARCH 3, 2010

Corrections:

- Ruth G. Johnson was elected as the Secretary and not as the Chairperson
- Lydia Thompson and Sara Norberg are Attorneys for the business *team in the Division of Enforcement*.

MOTION: Matthew Janiak moved, seconded by Ruth G. Johnson, to approve July 21, 2010 Minutes as amended. Motion carried. Dan Fedderly abstained.

Secretary Ross introduced himself and provided a brief autobiography as did Deputy Scocos, Executive Assistant John Murray and Board Services Division Administrator Mike Trepanier.

**ADMINISTRATIVE REPORT
DENISE AVILES, BUREAU DIRECTOR**

Denise Aviles introduced herself as the new bureau director for this bureau and provided a brief autobiography. She conducted the annual policy review. She also reviewed the new travel reimbursement policy. Yolanda McGowan briefly described the duties of the Board appointment positions. The following Board Appointments were made:

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MOTION: Ruth G. Johnson moved, seconded by Dan Fedderly, to delegate authority to Matt Janiak to act on behalf of the Section with respect to credentialing and monitoring matters between meetings. Motion carried unanimously.

James Rusch appointed Ruth G. Johnson and himself to the Screening Panel.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT
OR ANY SUBMITTED AFTER AGENDA SUBMISSION DEADLINE**

- 07 LSR 006 – Terrence J. McNulty
- 08 LSR 001 – Daniel A. Holman
- 08 LSR 013 – Norman C. Hanson

EDUCATION AND EXAMINATION ISSUES

Information on New Online Score Reports for Land Surveyor Exam

Aaron Knautz indicated that the test results for the April exam will be sent by mail and also be made available through the applicant's account with NCEES.

Discussion & Decision on Jurisdictional Exam Being Administered Through Department Staff

Mr. Knautz indicated that the Department would like the Section to consider offering the Jurisdictional exam on-line so that the exam can be taken at any time. He indicated that the time restriction could still be used. Pending Board approval, this would not be effective until next year as the section is still under contract with our current provider until the end of 2011. Mr. Rusch distributed information relating to the national exam. Mr. Knautz explained the process by which a new exam vendor would be chosen.

MOTION: Dan Fedderly moved, seconded by Matthew Janiak, to authorize the Department to administer the jurisdictional exam on-line without the use of an exam vendor after expiration of the current exam vendor contract. Motion carried unanimously.

Credentialing – Class I Hearing

- Bradley D. Hargett

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Discussion Related to Changes to A-E 7

Ms. McGowan indicated that she is not suggesting changes, but rather asking for clarification. Matt Janiak told the Section that the map is required but that he would like to see the Board rewrite A-E 7 to indicate what, exactly, needs to be included on the map.

MOTION: Matt Janiak moved, seconded by Dan Fedderly, to clarify the Boards interpretation of 7.01(2) that a map under 7.05 and a U.S. Public Land

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Survey Monument record under 7.08 cannot be waived. Motion carried unanimously.

Discussion Related to Continuing Education

David Okonski, DRL Continuing Education Specialist, asked for guidance for the Department to approve continuing education courses for the section. James Rusch appointed Matthew Janiak and Daniel Fedderly to the Continuing Education Approval Committee. The first step in the process will be to refer the requestor to the statute and rules related to continuing education. The Section requests the history of the course and the detail of the course outline. They want this information for both pre- and post-course approvals.

MISCELLANEOUS UPDATES

Ms. McGowan indicated that the failed exam review was removed with the passage of 2009 Wisconsin Act 350. She asked if the Section was still interested in addressing a change in legislation related to licensure based on experience only.

MOTION: Daniel Fedderly moved, seconded by Ruth G. Johnson, to endorse the potential nomination of James Rusch as Surveyor of the Year. Motion carried unanimously.

TRAVEL

MOTION: Matt Janiak moved, seconded by Ruth G. Johnson, to designate James Rusch as the primary Board delegate and Matt Janiak as alternate board delegate to attend the 2011 NCEES Central Zone meeting in May. Motion carried unanimously.

Ms. McGowan indicated that the travel has been limited and only third party paid travel is being approved. The Section discussed the travel and noted that this is a trip whereby the department pays for one attendee and NCEES scholarship pays for another attendee. This conference is for both Land Surveyors and Professional Engineers. The section determined that this was the year for NCEES to cover the expenses for the Land Surveyor representative to attend.

CLOSED SESSION

MOTION: Matt Janiak moved, seconded by Daniel Fedderly, to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1) (b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats.) Motion carried by roll call vote: James Rusch-yes; Daniel Fedderly-yes; Matthew Janiak-yes; Ruth G. Johnson -yes.

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Open Session recessed at 12:45 p.m.

RECONVENE TO OPEN SESSION

MOTION: Matt Janiak moved, seconded by Daniel Fedderly, to reconvene into Open Session at 3:29 p.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF
VOTING IS APPROPRIATE**

CASE CLOSINGS

MOTION: Daniel Fedderly moved, seconded by Matt Janiak, to close case 09 LSR 002 for prosecutorial discretion (P5) and notify other jurisdictions where the respondent is licensed. Motion carried unanimously.

PROPOSED STIPULATIONS

MOTION: Matt Janiak moved, seconded by Daniel Fedderly, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 07 LSR 006 - Terrence J. McNulty. Motion carried unanimously.

MOTION: Matt Janiak moved, seconded by Ruth G. Johnson, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 LSR 001 – Daniel A. Holman. Motion carried unanimously.

MOTION: Daniel Fedderly moved, seconded by Matt Janiak, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 LSR 013 – Norman C. Hanson. Motion carried unanimously.

CLASS I HEARING

MOTION: Matt Janiak moved, seconded by Daniel Fedderly, to affirm the Board's previous decision to deny licensure to Bradley D. Hargett. Motion carried unanimously.

REINSTATEMENTS

MOTION: Matt Janiak moved, seconded by Ruth G. Johnson, to grant reinstatement to Anthony Alt. Motion carried unanimously.

APPLICATIONS

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MOTION: Matt Janiak moved, seconded by Ruth G. Johnson, to act on the 11 applications reviewed at today's meeting as noted and signed in the application file. Motion carried unanimously.

APPLICATIONS REVIEWED ON MARCH 2, 2011

The Section took the following action on applications.

FOR REGISTRATION AS A LAND SURVEYOR

1. By Written Exam

1. Granted –

1. Born, Michael P
2. Hron, Benjamin
3. Oshefsky, Lucas F

4. Vaughn, Nathan A
5. Wijas, Ryan L

2. Intent to Deny

1. Domke, Ted
2. McKuen, Patrick
3. Rogahn, Michael J

4. Stalinov, Svetlin
5. Stanojevic, Arsen
6. Voegele, Benjamin

ADJOURNMENT

MOTION: Ruth G. Johnson moved, seconded by Daniel Fedderly, to adjourn the meeting at 3:32 p.m. Motion carried unanimously.